

STATE OF NORTH CAROLINA

WAKE COUNTY



BEFORE THE  
DISCIPLINARY HEARING COMMISSION  
OF THE  
NORTH CAROLINA STATE BAR  
13 DHC 24

THE NORTH CAROLINA STATE BAR,

Plaintiff

v.

WILLIAM R. SHILLING, Attorney,

Defendant

COMPLAINT

Plaintiff, complaining of Defendant, alleges and says:

1. Plaintiff, the North Carolina State Bar ("State Bar"), is a body duly organized under the laws of North Carolina and is the proper party to bring this proceeding under the authority granted it in Chapter 84 of the General Statutes of North Carolina, and the Rules and Regulations of the North Carolina State Bar (Chapter 1 of Title 27 of the North Carolina Administrative Code).

2. Defendant, William R. Shilling ("Shilling" or "Defendant"), was admitted to the North Carolina State Bar on September 17, 2004, and is, and was at all times referred to herein, an attorney at law licensed to practice in North Carolina, subject to the laws of the State of North Carolina, the Rules and Regulations of the North Carolina State Bar and the Rules of Professional Conduct.

Upon information and belief:

3. During all of the relevant periods referred to herein, Shilling was engaged in the practice of law in the State of North Carolina and maintained a law office in Franklin, Macon County, North Carolina.

4. Shilling and his wife, Cheryl Ann Shilling, are the parents of a son, B. Shilling, who was 13-years-old as of February 2013.

5. On February 13, 2013, Shilling threatened to punch his minor son, B. Shilling, in the "face" or "head."

6. On February 14, 2013, Shilling threatened to break B. Shilling's jaw and, using his fist or open hand, punched his minor son in the abdomen inflicting physical injury.

7. By committing the assault referenced in Paragraph 6 above, Shilling committed misdemeanor child abuse in violation of N.C. Gen. Stat. § 14-318.2.

8. By making the threats referenced in Paragraphs 5 and 6 above, Shilling communicated threats to his minor son, B. Shilling, in violation of N.C. Gen. Stat. § 14-277.1.

9. Shilling was arrested on the charges referenced in Paragraphs 7 and 8 above on February 14, 2013, in *State v. William Shilling*, No. 13-CR-50192 (Macon County District Court).

10. During a custodial interview with investigating law enforcement officers after his arrest, Shilling stated that he had pushed his minor son, B. Shilling, in retaliation for the minor son pushing him first, but Shilling denied hitting or punching his minor son, B. Shilling.

11. During the custodial interview referenced in Paragraph 10 above, Shilling denied that he had threatened to punch his minor son, B. Shilling.

12. During the custodial interview referenced in Paragraphs 10 and 11 above, Shilling denied that he had threatened to burn his minor son's belongings and dog.

13. Shilling's statements to the investigating law enforcement officers, referenced in Paragraphs 10, 11 and 12 above, were false.

14. On or about May 9, 2013, Shilling pled guilty in Macon County District Court to misdemeanor child abuse in violation of N.C. Gen. Stat. § 14-318.2, and misdemeanor communicating threats in violation of N.C. Gen. Stat. § 14-277.1, in *State v. William Shilling*, No. 13-CR-50192 (Macon County District Court).

15. On or about May 20, 2013, in responding to a grievance filed against him by the State Bar (No. 13G0146), Shilling again stated that during the February 14, 2013 argument with his minor son, B. Shilling pushed him first and Shilling pushed his minor son in retaliation.

16. Shilling also stated in his response, referenced in Paragraph 15 above, that his wife, Cheryl Shilling, had admitted during her February 14, 2013 telephone call to Emergency 911 that Shilling had not struck their minor son.

17. Shilling's statements to the State Bar, referenced in Paragraphs 15 and 16 above, were false statements of material fact knowingly made by Shilling.

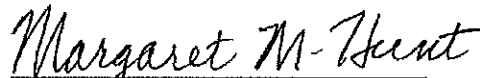
THEREFORE, Plaintiff alleges that Defendant's foregoing actions constitute grounds for discipline pursuant to N.C. Gen. Stat. § 84-28(b)(2) in that Defendant violated the Rules of Professional Conduct in effect at the time of the conduct as follows:

- a) By committing misdemeanor child abuse in violation of N.C. Gen. Stat. § 14-318.2, and misdemeanor communicating threats in violation of N.C. Gen. Stat. § 14-277.1, Defendant violated Rule 8.4(b);
- b) By making false statements to the investigating law enforcement officers, Defendant violated Rules 8.4(c) and 8.4(d); and,
- c) By knowingly making false statements of material fact during the State Bar's grievance investigation, Defendant violated Rules 8.1(a) and 8.4(c).

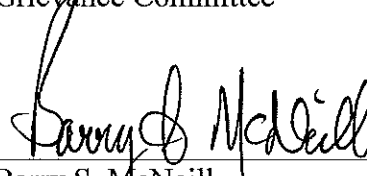
WHEREFORE, Plaintiff prays that:

- (1) Disciplinary action be taken against Defendant in accordance with N.C. Gen. Stat. § 84-28(a) and § .0114 of the Discipline and Disability Rules of the North Carolina State Bar (27 N.C.A.C. 1B § .0114), as the evidence on hearing may warrant;
- (2) Defendant be taxed with the administrative fees and costs permitted by law in connection with this proceeding; and
- (3) For such other and further relief as is appropriate.

The 26<sup>th</sup> day of September, 2013.



Margaret M. Hunt, Chair  
Grievance Committee



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